

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA
Plaintiff,

v.

Case No. 12-CR-116

PHILIP WENTZEL
Defendant.

ORDER

Defendant Philip Wentzel seeks preparation of the transcript of his arraignment. He indicates that he needs the transcript for a potential § 2255 motion.

Under 28 U.S.C. § 753(f), an indigent defendant may obtain free transcripts to prosecute a § 2255 action, “if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.”

The defendant must first file the § 2255 action in order to obtain transcripts under § 753(f).

United States v. Horvath, 157 F.3d 131, 132-33 (2d Cir. 1998) (citing Chapman v. United States, 55 F.3d 390, 391 (8th Cir. 1995); United States ex rel. Davidson v. Wilkinson, 618 F.2d 1215, 1219 (7th Cir. 1980)). Defendant has not yet filed a § 2255 motion. Nor does he explain why he needs this transcript to litigate any such motion.

THEREFORE, IT IS ORDERED that defendant’s request (R. 55) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 10th day of October, 2014.

/s Lynn Adelman
LYNN ADELMAN
District Judge